

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GABRIEL ROSA-DIAZ	:	Civil No. 1:19-cv-1914
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
RIVELLO, et al.,	:	
	:	
Defendants.	:	Judge Sylvia H. Rambo

ORDER

In accordance with the accompanying memorandum of law, IT IS HEREBY
ORDERED as follows:

- 1) The report and recommendation of the magistrate judge is ADOPTED.
- 2) The defendants' motion to dismiss (Doc. 20) is GRANTED and the pendant state law claims are HEREBY REMANDED to state court.
- 3) Rosa-Diaz's motion to amend (Doc. 25) is DENIED WITHOUT PREJUDICE. Within 21 days of the date of this order, Rosa-Diaz may file a second amended complaint alleging well-pleaded facts in support of the narrowly tailored retaliation claims set forth at paragraphs 17, 20, 59-67, 100 and 109 of his amended complaint.
- 4) The defendants' motion to strike (Doc. 34) is GRANTED.
- 5) The Clerk of Court is directed to close this case.
- 6) Any appeal taken from this order is deemed frivolous and not in good faith.

s/Sylvia H. Rambo
United States District Judge

Dated: November 3, 2020